

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|--|---------------------------|---|---|---------------------------------|
| Investigator: Whitney Beber | Team: Squad #8 | CCRB Case #: 201804054 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 05/22/2018 12:30 PM | Location of Incident: § 87(2)(b) and the 49th Precinct stationhouse | Precinct: 49 | 18 Mo. SOL 11/22/2019 | EO SOL 11/22/2019 | |
| Date/Time CV Reported Tue, 05/22/2018 1:15 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 05/22/2018 1:15 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|---------|
| 1. POM Roderick Martin | 27346 | 950828 | 049 PCT |
| 2. Officers | | | |
| 3. LT Lanier Glenn | 00000 | 923891 | 049 PCT |
| 4. POF Nicole Longo | 24988 | 962553 | 049 PCT |
| 5. POF Aleska Castillo | 17084 | 961672 | 049 PCT |
| 6. POF Namely Holguin | 21732 | 959698 | 049 PCT |
| 7. POM Daniel Macsweeney | 05838 | 930614 | ESS 03 |
| 8. POM Michael Mcinnis | 18730 | 940454 | ESS 03 |
| 9. An officer | | | |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Roger Rachelski | 00927 | 942396 | 049 PCT |
| 2. POM Germaine Peart | 20019 | 959054 | 049 PCT |
| 3. SGT Tameika Goode | 01640 | 934950 | 049 PCT |
| 4. POF Marlene Croom | 10599 | 940037 | 049 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POM Roderick Martin | Abuse: Inside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin refused to provide his name to § 87(2)(b) | § 87(2)(g) |
| B.POM Roderick Martin | Abuse: Inside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin refused to provide his shield number to § 87(2)(b) | § 87(2)(g) |
| C.POF Nicole Longo | Abuse: Inside of § 87(2)(b) in the Bronx, Police Officer Nicole Longo refused to provide her name to § 87(2)(b) | § 87(2)(g) |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|---|-----------------------------|
| D.POF Nicole Longo | Abuse: Inside of § 87(2)(b) in the Bronx, Nicole Longo refused to provide her shield number to § 87(2)(b) § 87(2)(b). | § 87(2)(g) |
| E.POM Roderick Martin | Abuse: Inside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin attempted to frisk § 87(2)(b). | § 87(2)(g) |
| F.POM Roderick Martin | Force: Inside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin used physical force against § 87(2)(b) § 87(2)(b). | § 87(2)(g) |
| G.POM Roderick Martin | Force: Outside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin used physical force against § 87(2)(b) § 87(2)(b). | § 87(2)(g) |
| H.POM Roderick Martin | Force: Outside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin used a chokehold against § 87(2)(b) § 87(2)(b). | § 87(2)(g) |
| I.POM Daniel Macsweeney | Abuse: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney frisked § 87(2)(b) § 87(2)(b). | § 87(2)(g) |
| J.POM Daniel Macsweeney | Abuse: Inside the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney searched § 87(2)(b) § 87(2)(b). | § 87(2)(g) |
| K.POM Daniel Macsweeney | Abuse: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney damaged § 87(2)(b) § 87(2)(b) property. | § 87(2)(g) |
| L.POM Daniel Macsweeney | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b). | § 87(2)(g) |
| M.POM Daniel Macsweeney | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b). | § 87(2)(g) |
| N.POM Daniel Macsweeney | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b). | § 87(2)(g) |
| O.POM Daniel Macsweeney | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b). | § 87(2)(g) |
| P.POM Michael Mcinnis | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b). | § 87(2)(g) |
| Q.POM Michael Mcinnis | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b). | § 87(2)(g) |
| R.POM Michael Mcinnis | Force: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b). | § 87(2)(g) |
| S.POM Michael Mcinnis | Force: Inside of the amulance at § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b). | § 87(2)(g) |
| T.POM Daniel Macsweeney | Abuse: Inside the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney refused to provide his name to § 87(2)(b). | § 87(2)(g) |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| U.POM Daniel Macsweeney | Abuse: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney refused to provide his shield number to § 87(2)(b) | § 87(2)(g) |
| V.POM Michael Mcinnis | Abuse: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis refused to provide his name to § 87(2)(b) | § 87(2)(g) |
| W.POM Michael Mcinnis | Abuse: Inside of the ambulance at § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis refused to provide his shield number to § 87(2)(b) | § 87(2)(g) |
| X.LT Lanier Glenn | Abuse: Outside of § 87(2)(b) in the Bronx, Lieutenant Lanier Glenn refused to provide his name to § 87(2)(b) | § 87(2)(g) |
| Y.LT Lanier Glenn | Abuse: Outside of § 87(2)(b) in the Bronx, Lieutenant Lanier Glenn refused to provide his shield number to § 87(2)(b) | § 87(2)(g) |
| Z. Officers | Abuse: Outside of § 87(2)(b) in the Bronx, officers refused to provide their name to § 87(2)(b) | § 87(2)(g) |
| 2A. Officers | Abuse: Outside of § 87(2)(b) in the Bronx, officers refused to provide their shield number to § 87(2)(b) | § 87(2)(g) |
| 2B.POF Aleska Castillo | Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Aleska Castillo spoke discourteously to § 87(2)(b) | § 87(2)(g) |
| 2C.LT Lanier Glenn | Abuse: Outside of § 87(2)(b) in the Bronx, Lieutenant Lanier Glenn forcibly removed § 87(2)(b) to the hospital. | § 87(2)(g) |
| 2D.POF Namely Holguin | Abuse: At the 49th Precinct stationhouse, Police Officer Namely Holguin did not process § 87(2)(b)'s complaint regarding officers. | § 87(2)(g) |
| 2E. An officer | Abuse: At the 49th Precinct stationhouse, an officer did not process § 87(2)(b)'s complaint regarding officers. | § 87(2)(g) |
| 2F.POF Namely Holguin | Abuse: At the 49th Precinct stationhouse, Police Officer Namely Holguin did not process § 87(2)(b)'s complaint regarding officers. | § 87(2)(g) |

Case Summary

§ 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) on May 22, 2018, over the phone. On May 22, 2018, the CCRB received the complaint.

On May 22, 2018, at approximately 12:30 p.m. § 87(2)(b) was with her son § 87(2)(b) at § 87(2)(b) in the Bronx for a program at the Jewish Board for psychiatric care. § 87(2)(b) met with § 87(2)(b)'s psychiatrist, § 87(2)(b) his supervisor, and the manager or owner of the program. Together they decided that § 87(2)(b) needed to go to the hospital because he was unstable. § 87(2)(b) accepted the doctor's decision to have § 87(2)(b) evaluated. They discussed calling the police to escort § 87(2)(b) to the hospital. A therapist and the director of the Jewish Board called 911.

Police Officer Roderick Martin and Police Officer Nicole Longo of the 49th Precinct responded. § 87(2)(b) was sitting in a chair in the waiting area when PO Martin arrived and handcuffed § 87(2)(b). § 87(2)(b) told Police Officer Martin that he could not breathe because of the handcuffs. § 87(2)(b) asked for Police Officer Longo's and Police Officer Martin's names and shield numbers. Neither officer allegedly responded to his request, (**Allegations A, B, C and D, Abuse of Authority**, § 87(2)(g)). Police Officer Martin attempted to frisk § 87(2)(b) (**Allegation E, Abuse of Authority**, § 87(2)(g)). The officers took § 87(2)(b) to the elevator. Inside of the elevator PO Martin allegedly pushed him and hit him against the wall of the elevator approximately four times (**Allegations F, Force**, § 87(2)(g)). Once he was downstairs § 87(2)(b) was brought to an ambulance. Police Officer Martin tried to push § 87(2)(b) into the ambulance (**Allegation G, Force**, § 87(2)(g)). Police Officer Martin allegedly used a chokehold against § 87(2)(b) (**Allegation H, Force**, § 87(2)(g)).

Police Officer Daniel Macsweeney and Police Officer Michael Mcinnis- ESU officers from truck 3 responded. They entered the ambulance and PO Macsweeney allegedly patted down § 87(2)(b)'s chest and the outside of his pockets (**Allegation I, Abuse of Authority**, § 87(2)(g)), and removed a pack of cigarettes, (**Allegation J, Abuse of Authority**, § 87(2)(g)). Police Officer Macsweeney allegedly broke the pack of cigarettes in half (**Allegation K, Abuse of Authority**, § 87(2)(g)). Police Officer Macsweeney allegedly kned § 87(2)(b)'s feet and elbowed him in the chest (**Allegations L and M, Force**, § 87(2)(g)). While § 87(2)(b) was lying on the bed in the ambulance, Police Officer Macsweeney and Police Officer Mcinnis allegedly elbowed, kned, hit him and pushed him into the side of the ambulance (**Allegations N, O, P, Q, R and S, Force**, § 87(2)(g)). § 87(2)(b) requested the name and shield numbers of Police Officer Macsweeney and Police Officer Mcinnis. Neither officer allegedly provided their name or shield number (**Allegations T, U, V, and W, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked Lieutenant Glenn for his name and shield number. He made specific requests for everyone's name and shield number who was present. Allegedly no officer responded to his request, (**Allegations X, Y, Z, and 2A, Abuse of Authority**, § 87(2)(g) and § 87(2)(g)).

Outside of the ambulance, § 87(2)(b) was video recording parts of the incident. Police Officer Castillo allegedly told an unidentified officer, "This bitch is recording," (**Allegation 2B**,

Discourtesy, § 87(2)(g)). Lieutenant Glenn forcibly removed § 87(2)(b) to § 87(2)(b) hospital, (**Allegation 2C, Abuse of Authority, § 87(2)(g)).**

Later that day, § 87(2)(b) went to the 49th Precinct stationhouse with her daughter, § 87(2)(b) and her husband, § 87(2)(b). She asked to file a CCRB complaint. She was directed to a chart that included the CCRB's phone number by Police Officer Namely Holguin of the 49th Precinct and an unidentified officer (**Allegation 2D and 2E, Abuse of Authority, § 87(2)(g) and § 87(2)(g)).** § 87(2)(b) told an unidentified officer that he was there to make a complaint about an officer. Police Officer Holguin did not take § 87(2)(b)'s complaint regarding an officer (**Allegation 2F, Abuse of Authority, § 87(2)(g)).**

There was no arrest and no summons was issued.

§ 87(2)(b) provided seven videos of the incident (Board Review 04).

Findings and Recommendations

Allegation (A) Abuse of Authority: Inside of § 87(2)(b) Police Officer Roderick Martin refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Inside of § 87(2)(b) Police Officer Roderick Martin refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Inside of § 87(2)(b) Police Officer Nicole Longo refused to provide her name to § 87(2)(b)

Allegation (D) Abuse of Authority: Inside of § 87(2)(b) Police Officer Nicole Longo refused to provide her shield number to § 87(2)(b)

Allegation (E) Abuse of Authority: Inside of § 87(2)(b) Police Officer Roderick Martin attempted to frisk § 87(2)(b)

As per § 87(2)(b)'s sworn statement, on May 22, 2018, she and § 87(2)(b) went to § 87(2)(b) in the Bronx to the Jewish Board for a program § 87(2)(b) attends for psychiatric care. At the time of the incident, § 87(2)(b) had been without medication for three weeks. § 87(2)(b) met with § 87(2)(b)'s psychiatrist, "§ 87(2)(b) and his supervisor, and the manager or owner of the program. Together they decided that § 87(2)(b) need to go to the hospital because he was unstable. § 87(2)(b) accepted the doctor's decision to have § 87(2)(b) evaluated. They discussed calling the police to escort § 87(2)(b) to the hospital. The police and an ambulance were called to take § 87(2)(b) to the hospital. Five to ten minutes after the police were called, PO Longo and PO Martin responded. They found § 87(2)(b) in the waiting area sitting and talking. PO Martin grabbed § 87(2)(b) and told him to stand up, which § 87(2)(b) did. PO Martin handcuffed § 87(2)(b) and escorted him to the elevator. § 87(2)(b) did not mention § 87(2)(b) asking PO Martin or PO Longo for their name and shield numbers.

§ 87(2)(b), § 87(2)(g)

After handcuffing § 87(2)(b) the officers threatened to "bring him down," and do "crazy stuff."

§ 87(2)(b) clarified in his sworn statement, that when he said officers threatened to bring him down, and do something crazy, he meant that they told him that he was going with them, “one way or another,” and that he was going to go wherever they were taking him. After PO Martin placed § 87(2)(b) in handcuffs he asked for PO Martin’s and PO Longo’s names and shield numbers. Neither officer responded to his request.

As per § 87(2)(b) one of the EMTs who responded to § 87(2)(b), he and his partner, § 87(2)(b) received a call for an “EDP” or intoxicated person. When he and his partner arrived, the officers were already at the location. He and his partner entered the location with PO Longo and PO Martin. § 87(2)(b) became aggressive as they approached him. § 87(2)(b) told them that he could use deadly physical force if the officers continued to try to speak to him. At that point, § 87(2)(b) was going to the hospital. PO Martin and PO Longo handcuffed § 87(2)(b). After he was handcuffed, PO Martin walked § 87(2)(b) to the elevator of the clinic.

As per PO Martin, he and PO Longo responded to § 87(2)(b) for a radio run for an “EDP,” (Board Review 01). Upon reaching the second floor, PO Martin observed § 87(2)(b) acting irate, by sitting down and standing up and pacing unnecessarily. PO Martin spoke to the doctors or member of the medical staff, who informed him that § 87(2)(b) was the individual for whom the police were called. PO Martin had been informed by doctors that they were informed by § 87(2)(b) that she had removed knives from § 87(2)(b) that morning and that she was worried. PO Martin, accompanied by EMS workers, went to speak to § 87(2)(b). § 87(2)(b) asked PO Martin to write down his name and shield number, and PO Martin provided them verbally. He did not remember if § 87(2)(b) requested any other officer’s name and shield number. § 87(2)(b) then became incoherent and PO Martin felt the situation becoming unsafe and placed § 87(2)(b) in handcuffs for his safety, the safety of the people in the lobby and the safety of § 87(2)(b). PO Martin tried to touch the outside of § 87(2)(b)’s pockets but he twisted his body and waist away from PO Martin. PO Martin did not remember seeing any bulges on his person. PO Martin stated that he was concerned about the medical staff’s mention of the knives that had been removed from § 87(2)(b).

§ 87(2)(g)
§ 87(2)(b) asked both her and PO Martin for their names and shields, which they verbally provided.

It is undisputed whether § 87(2)(b) asked PO Longo and PO Martin for their names and shield numbers. § 87(2)(g)

Patrol Guide Procedure 212-11 states that a frisk is permitted when a police officer reasonably suspects the person is armed and dangerous (Board Review 03).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (F) Force: Inside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin used physical force against § 87(2)(b)

As per § 87(2)(b) inside of the elevator PO Martin was pushing § 87(2)(b) with his left shoulder, hitting § 87(2)(b) in his left arm.

As per § 87(2)(b)'s telephone statement, the officers tried to drag him and push him down the stairs into the elevator. PO Martin grabbed § 87(2)(b) and threw him against the wall in the elevator.

In his sworn statement, § 87(2)(b) initially stated that the officers dragged him and then during follow-up questions stated that they did not. PO Martin pushed him and hit him against the wall. PO Martin grabbed § 87(2)(b) under his right arm, grabbed the front part of his body and clothing on his back and pushed § 87(2)(b) against the wall in the elevator approximately four times which caused § 87(2)(b) to make contact with the wall [of the elevator].

As per § 87(2)(b) inside of the elevator § 87(2)(b) was screaming so his spit was flying "everywhere." § 87(2)(b) did not see an officer push § 87(2)(b) against the walls of the elevator.

As per PO Longo, inside of the elevator § 87(2)(b) tried to spit and bite PO Martin's arm. PO Martin and PO Longo turned § 87(2)(b) around to face the elevator wall. PO Martin did not push § 87(2)(b) against the wall of the elevator.

As per PO Martin turned § 87(2)(b) to face the wall of the elevator because he refused to let PO Martin search him and because he was concerned § 87(2)(b) might spit, headbutt or attempt to bite him.

§ 87(2)(b), § 87(2)(g)

Allegation (G) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin used physical force against § 87(2)(b)
Allegation (H) Force: Outside of § 87(2)(b) in the Bronx, Police Officer Roderick Martin used a chokehold against § 87(2)(b)

As per § 87(2)(b) PO Martin walked § 87(2)(b) to the ambulance. PO Martin then grabbed § 87(2)(b) and tried to push him into the ambulance. § 87(2)(b) sat on the bumper of the ambulance. At that point, PO Martin grabbed § 87(2)(b) around the neck for two to three seconds and shoved/lifted him inside of the ambulance.

As per § 87(2)(b)'s telephone statement, PO Martin tried to push him inside of the ambulance. When he got on, PO Martin threw him inside, causing him to hit his arm and leg.

As per § 87(2)(b)'s sworn statement PO Martin grabbed § 87(2)(b) picked him up and then pushed him into the ambulance and then left. PO Martin did not push him on his chest or the front part of his body. During follow-up questions § 87(2)(b) stated that PO Martin pushed him and let him go. § 87(2)(b) only alleged in his statements that he was choked by an FDNY paramedic.

As per § 87(2)(b) PO Martin helped § 87(2)(b) into the ambulance by grabbing him by his arms and then pulling him up. § 87(2)(b) pushed § 87(2)(b) inside. § 87(2)(b) did not see any officer place § 87(2)(b) in a chokehold or make contact with his throat, neck or chest area.

As per PO Longo, they tried to get § 87(2)(b) into the ambulance but he put his legs against the bus and pushed back to avoid getting inside. Eventually § 87(2)(b) put his feet up and PO Martin placed him onto the bed inside of the ambulance. PO Martin did not push § 87(2)(b) into the ambulance. PO Longo did not see PO Martin's hands around § 87(2)(b)'s neck or place him in a chokehold.

As per PO Martin, ESU and Lieutenant Lanier Glenn responded. Between when Lt. Glenn and ESU arrived, § 87(2)(b) entered the ambulance but refused to get on the stretcher. PO Martin did not remember if Lt. Glenn or ESU assisted in getting § 87(2)(b) into the ambulance.

In one of the videos § 87(2)(b) provided, saved in IA #17, at 24 seconds, PO Martin has his hand on what appears to be § 87(2)(b)'s left collar bone while they are immediately outside of the ambulance and § 87(2)(b) is seated on the bumper of the ambulance (Board Review 04). PO Martin removes his hand at 31 seconds. During that time, § 87(2)(b) is behind § 87(2)(b). The video does not depict PO Martin using a chokehold against § 87(2)(b) while they are outside of the ambulance. The video does not clearly depict whether PO Martin is holding § 87(2)(b) in this position or pushing him. In the moments leading up to PO Martin's hand being near § 87(2)(b)'s neck, § 87(2)(b) is jerking away from PO Martin's grasp, until he is seated inside the door of the ambulance. His torso and upper body move backwards and forwards but it is not clear if § 87(2)(b) or PO Martin is causing this momentum.



Lopez III (1).mp4

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (I) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney frisked § 87(2)(b)

Allegation (J) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney searched § 87(2)(b)

Allegation (K) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney damaged § 87(2)(b)'s property.

Allegation (L) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b)

Allegation (M) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b)

Allegation (N) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b)

Allegation (O) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney used physical force against § 87(2)(b)

Allegation (P) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b)

Allegation (Q) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b)

Allegation (R) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b)

Allegation (S) Force: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis used physical force against § 87(2)(b)

Allegation (T) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney refused to provide § 87(2)(b) with his name.

Allegation (U) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Daniel Macsweeney refused to provide § 87(2)(b) with his shield number.

Allegation (V) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis refused to provide § 87(2)(b) with his name.

Allegation (W) Abuse of Authority: Inside of the ambulance outside of § 87(2)(b) in the Bronx, Police Officer Michael Mcinnis refused to provide § 87(2)(b) with his shield number.

§ 87(2)(b) alleged that PO Macsweeney and PO Mcinnis choked § 87(2)(b) punched him in the chest twice and that PO Macsweeney crushed his cigarettes. § 87(2)(b) did not see anything that took place inside of the ambulance because the door was closed.

As per § 87(2)(b)'s telephone statement, PO Macsweeney and PO Mcinnis arrived and tied § 87(2)(b)'s legs together with something that resembled rope. § 87(2)(b) asked PO Macsweeney and PO Mcinnis to write their names and shield numbers down. They told him that he was not getting anything. PO Macsweeney and PO Mcinnis hit § 87(2)(b) against the wall of the ambulance, against the floor and against the "metal." PO Macsweeney took a pack of cigarettes from § 87(2)(b)'s pockets and crushed them in his hand. PO Macsweeney kned § 87(2)(b)'s knees, and choked § 87(2)(b). While the officers were using all this force, § 87(2)(b) was lying on the bed. When asked how he was being hit against the walls if he was in the bed, § 87(2)(b) stated that the officers pushed him against the walls of the ambulance.

As per § 87(2)(b)'s sworn statement, PO Macsweeney patted down § 87(2)(b)'s chest and the outside of his pockets. PO Macsweeney entered § 87(2)(b)'s left pocket and removed a pack of cigarettes. PO Macsweeney did not ask permission to enter § 87(2)(b)'s pockets. PO Macsweeney broke § 87(2)(b)'s cigarettes in half. While this was happening, § 87(2)(b) asked for PO Macsweeney's name and shield number as well as that of an unidentified officer. They did not provide their name or shield number. Initially § 87(2)(b) stated that PO Macsweeney did not do anything else physically to § 87(2)(b). During follow-up questions however, § 87(2)(b) stated that PO Macsweeney kned his feet and elbowed him in his chest. PO Macsweeney and PO Mcinnis elbowed, kned and pushed § 87(2)(b) into the side of the ambulance.

§ 87(2)(b) stated that once the ESU officers arrived, they asked § 87(2)(b) to leave the ambulance, they went inside the ambulance and closed the door behind them. § 87(2)(b) was inside the ambulance and there was no one inside the ambulance at that point besides § 87(2)(b) and the ESU officers.

As per PO Macsweeney, he and PO Mcinnis received a radio dispatch to the corner of Wallace and Astor Avenue to restrain an "EDP," (Board Review 05). When they arrived, they went directly to and entered the ambulance where § 87(2)(b) was located. He and PO Mcinnis put the seatbelts on § 87(2)(b). The straps were placed across the shins, thighs, waist and upper chest. Aside from pressing his legs down they did not do anything else to get him into the restraints. The handcuffs were kept on § 87(2)(b). § 87(2)(b) took out a cigarette and had a lighter in his hand. PO Macsweeney took the cigarette away from him and told him that he would give it back to him later. PO Macsweeney stated that he just held the cigarette. PO

Macsweeney never saw an officer crush or break § 87(2)(b)'s cigarettes. PO Macsweeney did not have to pat § 87(2)(b) down and he did not see another officer do so. He never entered his pockets and he did not see another officer do so. PO Macsweeney never choked § 87(2)(b) inside of the ambulance and he did not see another officer do so. PO Macsweeney did not punch, jump on, knee, elbow, hit or push § 87(2)(b) and he did not see another officer do so. PO Macsweeney did not remember if § 87(2)(b) asked him or PO Mcinnis for their names or shield numbers. PO Macsweeney did not hear an officer refuse to provide their name and shield number.

PO Mcinnis held down § 87(2)(b) by his shoulder and tightened the “cobra buckles,” (orange buckles that look like seat belts), while PO Macsweeney tightened the restraints on the bottom (Board Review 06). PO Mcinnis did not hear § 87(2)(b) request any officer’s name or shield number. PO Mcinnis did not observe PO Macsweeney break any of § 87(2)(b)'s cigarettes. PO Mcinnis was not aware of § 87(2)(b) being frisked or searched at any point while he was in the ambulance. PO Mcinnis did not see any officer use any physical force against § 87(2)(b) and he did not use any himself. PO Mcinnis is consistent with PO Macsweeney that he did not use any of the alleged force.

§ 87(2)(b), § 87(2)(g)

The Prehospital Care Report notes that § 87(2)(b) revealed no signs of injury or trauma (Board Review 15).

§ 87(2)(b) provided six photographs of § 87(2)(b) showcasing what she identified as injuries. The photographs show what appears to be small lacerations on the back of § 87(2)(b)'s right elbow, bruising on the inside of his elbows, a bruise on his right clavicle, bruising and/or small lacerations on the inside of his left bicep, and a circular bruise on his right bicep (Board Review 16-21).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegations (X) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Lieutenant Lanier Glenn refused to provide his name to § 87(2)(b)

Allegations (Y) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Lieutenant Lanier Glenn refused to provide his shield number to § 87(2)(b)

Allegation (Z) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, officers refused to provide their names to § 87(2)(b)

Allegation (2A) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, officers refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(b) did not allege in his telephone statement that he requested officer's names and shield numbers outside of § 87(2)(b)

As per § 87(2)(b)'s sworn statement, after he described the force that was used, he asked an officer he identified as a supervisor for his name and shield number. He asked for the name and shield numbers of all the officers who were present. No officer responded to his request. § 87(2)(b) stated that he made both specific requests of each officer present and a general request.

As per § 87(2)(b) while they were trying to get § 87(2)(b) on the stretcher, § 87(2)(b) made a request for every officer's name who was present (both inside of and outside of the ambulance). § 87(2)(b) stated, "I want all ya'll's names and shield numbers. § 87(2)(b) did not approach any officer specifically. No officer provided their information to him.

PO Longo never heard § 87(2)(b) request any officers' name or shield number while he was in the ambulance. She did not hear any officer refuse to provide their name and shield number to him.

Lt. Glenn did not have independent recollection of this incident and he stated that § 87(2)(b) never requested his name or shield number (Board Review 07).

PO Castillo never heard § 87(2)(b) request any officer's name or shield number. She did not refuse to provide her name or shield number (Board Review 08).

None of the videos that § 87(2)(b) provided capturing the incident at 7550 Astor Avenue depict § 87(2)(b) requesting a name and shield number from any officer.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (2B) Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Alexa Castillo spoke discourteously to § 87(2)(b)

Outside of the ambulance § 87(2)(b) was recording portions of the incident. She believed PO Castillo to be mad because she was videotaping and heard her tell an unidentified officer, “This bitch is recording.” § 87(2)(b) was approximately three to four feet away from PO Castillo when she heard her make that statement. § 87(2)(b) did not capture this statement on camera.

§ 87(2)(b) did not hear an officer use any profanity.

§ 87(2)(b) did not hear an officer say, “This bitch is recording.”

Neither PO Macsweeney nor PO Mcinnis heard an officer say, “This bitch is recording.”

As per PO Castillo, she did not say, “This bitch is recording,” and she did not use any profanity when speaking to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation (2C) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Lieutenant Lanier Glenn forcibly removed § 87(2)(b) to the hospital.

As per § 87(2)(b) he went into the facility with PO Martin and PO Longo immediately. § 87(2)(b) spoke to Lieutenant Glenn and informed him that § 87(2)(b) was going to the hospital. § 87(2)(b) stated that this decision was made upon making contact to § 87(2)(b)

At the time of Lieutenant Glenn’s interview, Lieutenant Glenn did not have an independent recollection of what occurred on May 22, 2018, as it pertained to this incident.

Patrol Guide Section 216-01 states that when an aided person is placed in [the] care of ambulance or medical personnel at a hospital, the authority and responsibility for the medical care of the aided rests solely with hospital personnel (Board Review 09).

Aided Report #2018-049-000871 was reported by PO Longo (Board Review 10). She noted that § 87(2)(b) was aggressive with the staff at the location. When the officers arrived, he was still highly aggressive. He was spitting and threatening. He was transported to § 87(2)(b) Hospital by EMS § 87(2)(b)

The 911 call was placed by a therapist who stated that § 87(2)(b) was an “EDP,” who was potentially violent (Board Review 11). The director of the Jewish Board stated that § 87(2)(b) was verbally aggressive. The therapist was connected to EMS by the 911 operator. EMS was informed that § 87(2)(b) had been off his medication for some time, that he was a psychiatric patient and that he may have smoked something that was laced. EMS stated that an ambulance would be sent.

§ 87(2)(b), § 87(2)(g)

Allegation (2D) Abuse of Authority: At the 49th Precinct Stationhouse, Police Officer Namely Holguin refused to process § 87(2)(b) s complaint regarding officers.

Allegation (2E) Abuse of Authority: At the 49th Precinct Stationhouse, an officer refused to process § 87(2)(b) s complaint regarding officers.

Allegation (2F) Abuse of Authority: At the 49th Precinct Stationhouse, Police Officer Namely Holguin refused to process § 87(2)(b) s complaint regarding officers.

§ 87(2)(b) went to the 49th Precinct stationhouse with her husband, § 87(2)(b) and daughter § 87(2)(b). Upon entering the precinct stationhouse there were two unidentified female officers behind the desk who she told that she needed to make a CCRB complaint. No officer asked her any questions about the incident or prompted her for details. The officers directed her to a chart, told her that all the numbers were on the board and directed her to get the numbers and get out of the precinct stationhouse. While she was still inside the precinct stationhouse, § 87(2)(b) saw PO Martin and told the two unidentified officers that she wanted to make a complaint regarding that officer. They told her that they did not know who that was. § 87(2)(b) described one of the officers as a 5’4”-5’5” tall uniformed white female with an average build and black hair. She described the second officer behind the desk as a 5’4”-5’5” tall uniformed black female with a light brown complexion, with an average build in her thirties.

As per § 87(2)(b) s telephone statement, both he and § 87(2)(b) told one of the officers seated behind the desk that they wanted to file a complaint against an officer. That officer directed them to a board and to take a picture and call “whoever you’re going to call.” She never took § 87(2)(b) s complaint. § 87(2)(b) asked PO2 for her name and shield number but she told § 87(2)(b) “No.”

§ 87(2)(b) s sworn statement was largely consistent with his telephone statement with the following exceptions. Initially § 87(2)(b) asked to file a CCRB complaint against an officer. § 87(2)(b) and § 87(2)(b) did not say anything or make any requests of any of the officers. He did not request any other officer’s name or shield number other than PO Martin’s. § 87(2)(b) described

the officer to whom he made his request as an approximately 5'4" tall uniformed Hispanic female with a slim build, dark hair, a light complexion and in her thirties.

As per § 87(2)(b) she did not say anything to the officers. § 87(2)(b), § 87(2)(g)

Sergeant Tameika Goode of the 49th Precinct, was assigned as the desk Sergeant on May 22, 2018. Sergeant Goode did not have an independent recollection of this incident. She did not interact with a civilian who wanted to make a complaint against a police officer and she was never told that another officer had such an interaction.

As per PO Holguin, she was assigned as the telephone switchboard operator. She stated that a family consisting of a younger female, another female and a male entered the stationhouse. The younger female was recording and cursing. The family was demanding to know the shield numbers and names of the officers on scene. The family said that "they went to my house," in response to a 911 call. The family asked where they could call to make a complaint and that they wanted the CCRB's number. PO Holguin directed them to the board. The family took photographs of the board. § 87(2)(b) nor § 87(2)(b) requested to file a complaint against another officer and she did not hear them express to another officer that they wanted to file a complaint in person. PO Holguin did not recognize the photographs of § 87(2)(b) or § 87(2)(b) PO Holguin stated that when a civilian asks to file a complaint against an officer, she would get the desk Sergeant. PO Holguin did not remember involving the desk sergeant over any course of the incident.

PO Holguin's MOS photograph notes her as being a 26-year old, 5'5" tall, Hispanic female with an average build, black hair, and brown eyes. The photograph depicts her as having a light complexion (Board Review 22).

Sgt. Goode's MOS photograph (as depicted in the MOS photograph terminal) notes that she is a 36-year old, 5'8" tall, 167-pound female with brown eyes, brown hair and an average build. The photograph depicts her as having a medium brown complexion.

Patrol Guide Section 207-31 regarding processing civilian complaints, states that to prevent an interruption or delay in vital services, the telephone switchboard operator will refer an allegation of misconduct to the desk officer who will record pertinent details of the allegation (Board Review 23).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 12)
- § 87(2)(b)
 - § 87(2)(b)
- § 87(2)(b)
- PO Martin has been a member of service for seven years and has been a subject in three CCRB complaints and 10 allegations, none of which were substantiated.
- PO Macsweeney has been a member of service for 16 years and has been a subject in nine complaints and 24 allegations, none of which were substantiated. § 87(2)(g)
- PO Mcinnis has been a member of service for 13 years and this is the first CCRB complaint to which he has been a subject.
- PO Castillo has been a member of service for two years and has been a subject in one other CCRB complaint which was mediated.
- PO Holguin has been a member of service for three years and has been a subject in one other CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)
- Lt. Glenn has been a member of service for 19 years and has been a subject in eight CCRB complaints and 19 allegations, four of which were substantiated. § 87(2)(g)
 - Case number 201310476 involved substantiated allegations of physical force and abuse of authority. The board recommended charges, he was found not guilty and the NYPD did not impose a penalty.
- PO Longo has been a member of service for 2 years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation because § 87(2)(b) was removed to the hospital.
- § 87(2)(b)
- § 87(2)(b)
- A notice of claim was requested from the New York City Comptroller's Office on January 22, 2019, the response will be added to the case file upon receipt.

Squad No.: _____

Investigator: _____

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| Signature | Print Title & Name | Date |
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Squad Leader: _____

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